

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KATRINA SCOTT,

Plaintiff,

v.

TENDON MANUFACTURING, INC.,

Defendant.

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Case No.

JUDGE

**DECLARATION OF CHRISTIAN D. MCFARLAND IN SUPPORT OF
NOTICE OF REMOVAL OF CIVIL ACTION**

I, Christian D. McFarland, declare and state as follows:

1. I am an attorney with the law firm of Littler Mendelson, P.C., counsel of record for Defendant Tendon Manufacturing, Inc. (“Defendant”), and I am admitted to practice before this Court. I have personal knowledge of the facts set forth in this Declaration.

2. On or about June 21, 2021, Plaintiff Katrina Scott (“Plaintiff”) filed a Complaint in the Cuyahoga County Court of Common Pleas against Defendant captioned *Katrina Scott v. Tendon Manufacturing, Inc.*, Case No. CV-21-949017 (“State Court Action”). A true and correct copy of the Summons and Complaint in the form served upon Defendant is attached hereto as Exhibit A.

3. An examination of the state court’s docket in the State Court Action discloses that on or about June 28, 2021, the Summons and Complaint were served on Defendant. A true and correct copy of the docket in the State Court Action is attached hereto as Exhibit B.

3. An examination of the state court’s docket in the State Court Action discloses that no other pleadings have been filed in the State Court Action. Furthermore, to the best of my

EXHIBIT

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knowledge, no other proceedings have been conducted or scheduled in the State Court Action. Exhibit A attached hereto is the only pleading received by Defendant through service or otherwise.

4. Notice of this removal is being filed with the State Court pursuant to 28 U.S.C. §1446(d) and counsel for Plaintiff, Murray Richelson, is being provided with service of the same. A true and correct copy of Defendant's Notice of Filing Notice of Removal of Civil Action to U.S. District Court and certificate of service is attached hereto as Exhibit C.

I have read this Declaration and declare that it is true and correct under penalty of perjury under the laws of the United States and the State of Ohio, and that it was signed by me on July 21, 2021, in Cleveland, Ohio.

/s/ Christian D. McFarland

Christian D. McFarland

CASE NO. CV21949017	D1 CM	SUMMONS NO. 44718405
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Rule 4 (B) Ohio

Rules of Civil
Procedure**SUMMONS**

KATRINA SCOTT VS TENDON MANUFACTURING INC.	PLAINTIFF DEFENDANT
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TENDON MANUFACTURING INC. 20805 AURORA RD. CLEVELAND OH 44146

Said answer is required to be served on:



Plaintiff's Attorney

MURRAY RICHELSON 50 PUBLIC SQUARE 2200A TERMINAL TOWER CLEVELAND, OH 44113-0000
--

Case has been assigned to Judge:

WILLIAM F. B. VODREY Do not contact judge. Judge's name is given for attorney's reference only.

NAILAH K. BYRD
Clerk of the Court of Common Pleas

Anta Byrd

Deputy



DATE SENT Jun 22, 2021

COMPLAINT FILED 06/21/2021

**EXHIBIT**A



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
June 21, 2021 14:19

By: MURRAY RICHELSON 0021112

Confirmation Nbr. 2281977

KATRINA SCOTT

CV 21 949017

vs.

Judge: WILLIAM F. B. VODREY

TENDON MANUFACTURING INC.

Pages Filed: 3

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

KATRINA SCOTT
5296 E. 102ND Street
Garfield Heights, OH 44125

Plaintiff,

vs.

TENDON MANUFACTURING INC.
20805 Aurora Road
Cleveland, OH 44146

Defendant.

* CASE NO.:

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* JUDGE:

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COMPLAINT

Jury Demand Endorsed Hereon

INTRODUCTION

1. Defendant Tendon Manufacturing Inc. is a manufacturer in the Cleveland Ohio region.
2. Defendant Tendon Manufacturing Inc. is an “employer” within the meaning of The Family Medical Leave Act of 1993 Title 29, US Code Section 2601 et seq.
3. Plaintiff Katrina Scott was hired by the Defendant on October 19, 1997 and performed various factory work.
4. Defendant Tendon Manufacturing Inc. employs greater than 50 employees in the year that Plaintiff was entitled to FMLA.

COUNT ONE

5. The Plaintiff worked for Defendant Tendon Manufacturing Inc. for at least one year and at least 1250 hours preceding the absences.
6. In March of , 2021 Plaintiff was unlawfully terminated from her employment.

7. Pursuant to 29 C.F.R. employers are required to notify employees of their rights and obligations under FLMA.

8. Defendant failed to perform the obligation as stated in paragraph 7.

9. The FMLA provides that “it shall be unlawful for any employer to interfere with restrain, or deny the exercise of, or the attempt to exercise of, or attempt to exercise,” any right provided under Title I of the FLMA [29 U.S.C. Sec. 2615(a)(1).

10. State court has concurrent jurisdiction to adjudicate cases that arise under FMLA.

COUNT TWO

11. Plaintiff realleges Count One of the Complaint.

12. Defendant’s termination of the Plaintiff is in violation of FMLA.

13. Defendant was required to maintain Plaintiff’s health insurance under while und FMLA leave and failed to do so.

14. Defendant’s conduct was intentional and malicious.

DAMAGES

15. As a result of Defendant’s conduct Plaintiff lost an undetermined amount of employment income and benefits.

16. As a result of Defendant’s conduct, Plaintiff lost her health insurance causing delay in appropriate medical care and uncovered medical bills.

WHEREFORE, Plaintiff demands judgment against the Defendant in an amount exceeding \$25,000.00 in compensatory and punitive damages plus costs and reasonable attorney's fees.

A TRIAL BY JURY IS HEREBY DEMANDED.

s/ Murray Richelson

MURRAY RICHELSON (#0021112)

DANIEL MARK KATZ CO LPA

Attorneys for Plaintiff

50 Public Square

Terminal Tower 2200-A



Cleveland, OH 44113

(216) 696-5250

FAX: (216) 696-5256

Email: MURRAY@DMKLEGAL.COM

[skip to main content](#)[Print](#)**CASE INFORMATION****CV-21-949017 KATRINA SCOTT vs. TENDON MANUFACTURING INC.****Docket Information**

Filing Date	Docket Party	Docket Type	Docket Description	View Image
07/07/2021	N/A	SR	USPS RECEIPT NO. 44718405 DELIVERED BY USPS 06/28/2021 TENDON MANUFACTURING INC. PROCESSED BY COC 07/07/2021.	
06/23/2021	D1	SR	SUMS COMPLAINT(44718405) SENT BY CERTIFIED MAIL. TO: TENDON MANUFACTURING INC. 20805 AURORA RD. CLEVELAND, OH 44146	
06/22/2021	N/A	SR	SUMMONS E-FILE COPY COST	
06/22/2021	D1	CS	WRIT FEE	
06/21/2021	N/A	SF	JUDGE WILLIAM F. B. VODREY ASSIGNED (RANDOM)	
06/21/2021	P1	SF	LEGAL RESEARCH	
06/21/2021	P1	SF	LEGAL AID	
06/21/2021	P1	SF	COURT SPECIAL PROJECTS FUND	
06/21/2021	P1	SF	COMPUTER FEE	
06/21/2021	P1	SF	CLERK'S FEE	
06/21/2021	P1	SF	LEGAL NEWS	
06/21/2021	P1	AF	POVERTY AFFIDAVIT, FILED	
06/21/2021	P1	SF	DEPOSIT AMOUNT PAID MURRAY RICHELSON	
06/21/2021	N/A	SF	CASE FILED: COMPLAINT, POVERTY AFFIDAVIT	

Only the official court records available from the Cuyahoga County Clerk of Courts, available in person, should be relied upon as accurate and current.

[Website Questions or Comments.](#)

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EXHIBIT**B**

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**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

KATRINA SCOTT,

Plaintiff,

v.

TENDON MANUFACTURING, INC.,

Defendant.

Case No. CV-21-949017

Judge William F. B. Vodrey

**NOTICE OF FILING REMOVAL OF
CIVIL ACTION TO UNITED STATES
DISTRICT COURT**

PLEASE TAKE NOTICE that the above-captioned matter has been removed from the Court of Common Pleas, Cuyahoga County, Ohio, where it was previously pending, to the United States District Court for the Northern District of Ohio, Eastern Division. A copy of the Notice of Removal is attached as Exhibit A for filing with this Court.

PLEASE TAKE FURTHER NOTICE that pursuant to 28 U.S.C. § 1446, the filing of a Notice of Removal in the United States District Court, together with the filing of a copy of this Notice of Filing Notice of Removal, effects the removal of this action, and this Court may proceed no further unless and until the case is remanded.

EXHIBIT

C

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Respectfully submitted,

/s/ James P. Smith

James P. Smith, Bar No. 0073945

jpsmith@littler.com

Christian D. McFarland, Bar No. 0097756

cmcfarland@littler.com

LITTLER MENDELSON P.C.

Key Tower

127 Public Square

Suite 1600

Cleveland, OH 44114-9612

Telephone: 216.696.7600

Facsimile: 216.696.2038

Attorneys for Defendant,

TENDON MANUFACTURING, INC.

CERTIFICATE OF SERVICE

I hereby certify that, on July 21, 2021, a copy of the foregoing *Notice of Filing Removal of Civil Action to the United States District Court* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Additionally, a copy of the foregoing has been served upon counsel of record for Plaintiff, Murray Richelson, via email delivery at murray@dmklegal.com pursuant to Civ.R. 5(B)(2)(f) on July 21, 2021.

/s/ James P. Smith

James P. Smith

One of the Attorneys for Defendant,
TENDON MANUFACTURING, INC.